

DECISIONS DENYING CERTIORARI, FROM JANUARY 17, 1939, THROUGH APRIL 17, 1939.

No. 581. JACKSON, ADMINISTRATRIX *v.* CAPITAL TRANSIT Co. January 30, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia, and motion for leave to proceed further *in forma pauperis*, denied. *Messrs. Reynolds Robertson and Dorsey K. Offutt* for petitioner. No appearance for respondent. Reported below: 69 App. D. C. 147; 99 F. 2d 380.

No. 584. NEW YORK EX REL. ROSS *v.* WILSON, WARDEN. January 30, 1939. Petition for writ of certiorari to the Court of Appeals of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Joseph Ross, pro se.* No appearance for respondent. Reported below: 275 N. Y. 169; 295 N. Y. S. 42; 9 N. E. 2d 822.

No. 587. SAYLOR *v.* SANFORD, WARDEN. January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Julian K. Saylor, pro se.* No appearance for respondent. Reported below: 99 F. 2d 605.

No. 521. WHITE *v.* JOHNSTON, WARDEN. January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Samuel White, pro se.* No appearance for respondent.

No. 595. LINDERHOLM *v.* KANSAS. January 30, 1939. Petition for writ of certiorari to the Supreme Court of Kansas, and motion for leave to proceed further *in forma*

306 U.S.

Decisions Denying Certiorari.

pauperis, denied. *Justus B. Linderholm, pro se.* No appearance for respondent. Reported below: 146 Kan. 224; 69 P. 2d 689.

No. 561. UNITED STATES EX REL. DE VITA *v.* UHL, DISTRICT DIRECTOR OF IMMIGRATION. January 30, 1939. Motion to proceed on typewritten papers granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Emily Marx* for petitioner. No appearance for respondent. Reported below: 99 F. 2d 825.

No. 520. MINNIS ET AL. *v.* SOUTHERN PACIFIC CO. ET AL. January 30, 1939. Motion for a writ of certiorari to correct a diminution of the record denied. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. James L. Minnis* for petitioners. *Messrs. Arthur B. Dunne, Warren Olney, Jr., and A. Crawford Greene* for respondents. Reported below: 98 F. 2d 913.

No. 549. MORLEY *v.* UNITED STATES. January 30, 1939. Motion to proceed on the typewritten record granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. William A. Bryans* for petitioner. No appearance for the United States. Reported below: 99 F. 2d 683.

No. 539. SOCIETE SUISSE POUR VALEURS DE METAUX *v.* MURPHY, ATTORNEY GENERAL, ET AL. January 30, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. MR. JUSTICE STONE took no part in the consideration and decision of this application. *Messrs. Frederic D. McKenney, John Spalding Flannery, and G. Bowdoin Craighill* for peti-

tioner. *Solicitor General Jackson, Assistant Attorney General Whitaker, Paul A. Sweeney, Harry LeRoy Jones and Brice Toole* for respondents. Reported below: 69 App. D. C. 154; 99 F. 2d 387.

No. 518. *SOUTHERN CALIFORNIA FREIGHT LINES v. COMMISSIONER OF INTERNAL REVENUE*. January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Stanley W. Guthrie* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, J. Louis Monarch, and Warren F. Wattles* for respondent. Reported below: 99 F. 2d 104.

No. 523. *EPPENAUER ET AL. v. OHIO OIL Co.* January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Dan Moody* for petitioners. *Messrs. Ireland Graves and Charles L. Black* for respondent. Reported below: 98 F. 2d 524.

No. 524. *COMPTON ET AL. v. OHIO OIL Co. ET AL.* January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. W. A. Keeling* for petitioners. *Messrs. Ireland Graves and Charles L. Black* for respondents. Reported below: 98 F. 2d 524.

No. 525. *THOMASON ET AL. v. UNITED GAS PUBLIC SERVICE Co.* January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. G. P. Bullis* for petitioners. No appearance for respondent. Reported below: 98 F. 2d 526.

306 U. S.

Decisions Denying Certiorari.

Nos. 530 and 531. *SMITH ET AL. v. OCKERHAUSEN ET AL.* January 30, 1939. Petition for writs of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. David F. Smith* for petitioners. *Mr. John E. Laskey* for respondents. Reported below: 69 App. D. C. 285; 100 F. 2d 695.

No. 535. *TENNESSEE WESLEYAN COLLEGE v. COFFEY, RECEIVER, ET AL.*; and

No. 536. *SAME v. KENT, RECEIVER.* January 30, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. J. A. Fowler and J. J. Lynch* for petitioner. *Messrs. William L. Frierson and R. P. Frierson* for respondents. Reported below: 97 F. 2d 686.

No. 538. *MARYLAND CASUALTY CO. v. SAMMONS ET AL.* January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Charles Julian Bloch* for petitioner. No appearance for respondents. Reported below: 99 F. 2d 323.

No. 532. *DEPPE v. GENERAL MOTORS CORP.* January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. William P. Deppe, pro se.* No appearance for respondent. Reported below: 98 F. 2d 813.

No. 537. *PACIFIC HEALTH CORP. v. CALIFORNIA EX REL. STATE BOARD OF MEDICAL EXAMINERS.* January 30, 1939. Petition for writ of certiorari to the Supreme Court of California denied. *Mr. John H. Riordan* for petitioner. *Messrs. Earl Warren and Lionel B. Browne* for respondent. Reported below: 12 Cal. 2d 156; 82 P. 2d 429.

No. 558. SWINDELL BROTHERS, INC., ET AL. *v.* HARTFORD-EMPIRE Co. January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. Samuel E. Darby, Jr., Lawrence C. Kingsland, and William B. Jaspert* for petitioners. *Messrs. Thomas G. Haight, Sidney F. Parham, William J. Belknap, and Robson D. Brown* for respondent. Reported below: 99 F. 2d 61.

No. 489. EASTERN SHORE PUBLIC SERVICE CO. ET AL. *v.* SEAFORD. See *ante*, p. 616.

No. 608. WILSON *v.* UNITED STATES. February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. William H. Lewis* for petitioner. No appearance for the United States. Reported below: 99 F. 2d 544.

No. 612. MELENDEZ *v.* CALIFORNIA ET AL. February 6, 1939. Petition for writ of certiorari to the Supreme Court of California, and motion for leave to proceed further *in forma pauperis*, denied. *George Melendez, pro se.* No appearance for respondents. Reported below: 25 Cal. App. 2d 490; 77 P. 2d 870.

No. 545. WINKLE *v.* SCOTT. February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. J. M. Feigenbaum and Gus O. Nations* for petitioner. *Mr. Samuel B. Jeffries* for respondent. Reported below: 99 F. 2d 299.

No. 550. KOVEN *v.* UNITED STATES;

No. 551. DONEGAN *p.* SAME; and

No. 553. DILLIARD *v.* SAME. February 6, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Nathan L. Miller, Edward J. Bennett, and Nathan Probst, Jr.* for petitioner in No. 550. *Edmund J. Donegan, pro se.* *Messrs. John J. Burns, Samuel Becker, and Herbert Wechsler* for petitioner in No. 553. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron, Bernard Tompkins, and William J. Connor* for the United States. Reported below: 101 F. 2d 829.

No. 555. SHILLINGLAW *v.* COMMISSIONER OF INTERNAL REVENUE. February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. L. A. Luce* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Charles A. Horsky, and Louise Foster* for respondent. Reported below: 99 F. 2d 87.

No. 556. RYAN *v.* UNITED STATES. February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Price Wickersham and Clyde Taylor* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, and Mr. William W. Barron* for the United States. Reported below: 99 F. 2d 864.

No. 563. ERVIN, TEMPORARY RECEIVER, *v.* QUINTANILLA ET AL. February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Frederick H. Wood and Palmer Pillans* for petitioner. *Mr. Max M. Schaumburger* for respondents. Reported below: 99 F. 2d 935.

No. 566. *FELDMAN v. PACIFIC MUTUAL LIFE INSURANCE Co.* February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. William C. Keough* for petitioner. *Mr. Thomas V. Koykka* for respondent. Reported below: 99 F. 2d 83.

No. 571. *COOK v. LEWIS ET AL.* February 6, 1939. Petition for writ of certiorari to the Circuit Court, Kanawha County, West Virginia, denied. *Messrs. James E. White and Samuel A. T. Watkins* for petitioner. *Messrs. Robert S. Spilman and Harold A. Ritz* for respondents.

No. 572. *BELAND ET AL. v. UNITED STATES.* February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. E. T. Miller* for petitioners. *Solicitor General Jackson, Assistant Attorney General McMahon, and Mr. William W. Barron* for the United States. Reported below: 100 F. 2d 289.

No. 575. *STEIN v. McGRATH ET AL.* February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Henry W. Pollock* for petitioner. *Messrs. E. F. Colladay, Wilton H. Wallace, and Nathaniel L. Goldstein* for McGrath et al.; *John Ross Delafield* for the Hurd Committee; and *Geo. E. Cleary* for the Reconstruction Finance Corporation, respondents. *Solicitor General Jackson* filed a memorandum for the United States. Reported below: 98 F. 2d 559.

No. 576. *TISHMAN v. UNITED STATES.* February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. John A.*

306 U.S.

Decisions Denying Certiorari.

Verhoeven for petitioner. *Solicitor General Jackson*, *Assistant Attorney General McMahon*, and *Messrs. Fred E. Strine* and *W. Marvin Smith* for the United States. Reported below: 99 F. 2d 951.

No. 580. *MUTUAL BENEFIT HEALTH & ACCIDENT ASSN. v. BOWMAN*. February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Philip E. Horan*, *John S. Leahy*, and *Lambert E. Walther* for petitioner. *Mr. W. C. Fraser* for respondent. Reported below: 99 F. 2d 856.

No. 392. *HENNEFORD ET AL. v. PACIFIC TELEPHONE & TELEGRAPH Co.* February 6, 1939. Petition for writ of certiorari to the Supreme Court of Washington denied. *Mr. R. G. Sharpe* for petitioners. *Messrs. Otto B. Rupp* and *Alfred J. Schweppe* for respondent. Reported below: 195 Wash. 553; 81 P. 2d 786.

No. 609. *VERHEUL v. JOHNSTON, WARDEN*. February 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Ernest Verheul, pro se*. No appearance for respondent. Reported below: 99 F. 2d 757.

No. 633. *LOHNES, ADMINISTRATOR, v. WEBB, ADMINISTRATOR*. February 13, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. H. L. McCormick* for petitioner. No appearance for respondent. Reported below: 96 F. 2d 582; 101 F. 2d 242.

No. 636. *STREWLE ET AL. v. UNITED STATES*. February 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit, and motion for leave to proceed further *in forma pauperis*, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for writ of certiorari was not made within the time provided by law, Rule XI, Rules of Practice and Procedure in Criminal Cases (292 U. S. 665). *Mr. Joseph G. M. Browne* for petitioners. No appearance for the United States. Reported below: 99 F. 2d 474.

No. 557. *HARTMAN v. SLOAN, U. S. MARSHAL*. February 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. David A. Reed, John E. Green, Jr., and Charles Denby, Jr.* for petitioner. *Solicitor General Jackson, Assistant Attorney General Arnold, and Mr. John Henry Lewin* for respondent. Reported below: 99 F. 2d 942.

No. 578. *CARLISLE v. HAMMOND, U. S. MARSHAL*. February 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. David A. Reed, Charles Denby, Jr., John E. Green, Jr., and H. L. Stone* for petitioner. *Solicitor General Jackson, Assistant Attorney General Arnold, and Mr. John Henry Lewin* for respondent. Reported below: 100 F. 2d 227.

No. 559. *BROWN v. NEW YORK LIFE INSURANCE CO.* February 13, 1939. Petition for writ of certiorari to the

306 U. S.

Decisions Denying Certiorari.

Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. Butler B. Hare and Calhoun A. Mays* for petitioner. *Mr. Alva M. Lumpkin* for respondent. Reported below: 99 F. 2d 199.

No. 560. *FOREST GLEN CREAMERY CO. v. COMMISSIONER OF INTERNAL REVENUE*. February 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Willis D. Nance* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris*, and *Messrs. Sewall Key and F. E. Youngman* for respondent. Reported below: 98 F. 2d 968.

No. 569. *INTERNATIONAL-GREAT NORTHERN RAILROAD CO. ET AL. v. HAWTHORNE*. February 13, 1939. Petition for writ of certiorari to the Supreme Court of Texas denied. *Messrs. Robert H. Kelley and Roy C. Sewell* for petitioners. *Mr. S. P. Jones* for respondent. Reported below: 131 Tex. 622; 116 S. W. 2d 1056.

No. 570. *VERSER-CLAY CO. ET AL. v. SECURITIES & EXCHANGE COMM'N.* February 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. John B. Dudley* for petitioners. *Solicitor General Jackson, Assistant Attorney General Arnold*, and *Messrs. Paul A. Freund and Chester T. Lane* for respondent. Reported below: 98 F. 2d 859.

No. 574. *ZERO CHURCH v. BRITTON ET AL.* February 13, 1939. Petition for writ of certiorari to the Supreme Court of South Carolina denied. *Messrs. T. D. Jennings and Marion W. Seabrook* for petitioner. *Messrs. John*

M. Daniel and *J. Ivey Humphrey* for respondents.
Reported below: 188 S. C. 274; 198 S. E. 848.

No. 577. *FREND ET AL. v. UNITED STATES*. February 13, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Frederick A. Ballard* for petitioners. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron and Edward J. Ennis* for the United States. Reported below: 100 F. 2d 691.

No. 579. *PIKE RAPIDS POWER CO. v. MINNEAPOLIS, ST. P. & S. S. M. RY. CO.* February 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. James G. Nye* for petitioner. *Mr. John L. Erdall* for respondent. Reported below: 99 F. 2d 902.

No. 583. *PENNSYLVANIA RAILROAD CO. v. TOBIN*. February 13, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Frederic D. McKenney, John S. Flannery, G. Bowdoin Craighill, R. Aubrey Bogley, and Henry Wolf Bikle* for petitioner. *Mr. Rossa F. Downing* for respondent. Reported below: 100 F. 2d 435.

No. 588. *UNITED STATES EX REL. CROMWELL v. DOYLE, PRESIDENT, BOARD OF EDUCATION, ET AL.* February 13, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. William E. Leahy, William J. Hughes, Jr., James A. Cobb, and Perry W. Howard* for petitioner. *Messrs. Elwood H. Seal and Vernon E. West* for respondents. Reported below: 69 App. D. C. 215; 99 F. 2d 448.

306 U. S.

Decisions Denying Certiorari.

No. 652. *VEAL v. UNITED STATES*. February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Robert Burrow* for petitioner. No appearance for the United States. Reported below: 97 F. 2d 1021.

No. 690. *EDDY v. HUNT, WARDEN*. February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Charles Eddy, pro se*. No appearance for respondent.

No. 585. *S. S. KRESGE Co. v. AMSLER ET AL.* February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *MR. JUSTICE STONE* and *MR. JUSTICE ROBERTS* took no part in the consideration and decision of this application. *Messrs. Wayne Ely, John S. Leahy, and Lambert E. Walther* for petitioner. *Mr. James R. Claiborne* for respondents. Reported below: 99 F. 2d 503.

Nos. 592 and 593. *MANHATTAN RAILWAY CO. ET AL. v. MERLE-SMITH ET AL.* February 27, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. The CHIEF JUSTICE took no part in the consideration and decision of this application. *Messrs. William V. Hodges, Charles Franklin, Frank C. Laughlin, John B. Doyle, and Rayford W. Alley* for petitioners. *Messrs. Boykin C. Wright and Clifton Murphy* for respondents. Reported below: 99 F. 2d 789.

NO. 597. *FAHEY, RECEIVER, ET AL. v. COOK ET AL.* February 27, 1939. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is denied. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Meyer Abrams* for petitioners. *Messrs. Samuel E. Hirsch, William M. Klein, Lewis C. Jesseph, and Ralph R. Hauzhurst* for respondents. Reported below: 101 F. 2d 394.

NO. 564. *SIoux TRIBE OF INDIANS v. UNITED STATES.* February 27, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Ralph H. Case, James S. Y. Ivins, and Richard B. Barker* for petitioner. *Solicitor General Jackson, Assistant Attorney General McFarland, and Mr. C. W. Leaphart* for the United States. Reported below: 86 Ct. Cls. 299.

NO. 589. *ARK ET AL. v. FANSTEEL METALLURGICAL CORP.* February 27, 1939. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Messrs. Lee Pressman, George B. Gillespie, and Edmund Burke* for petitioners. *Messrs. Benjamin V. Becker, Max Swiren, and Sidney Block* for respondent. Reported below: 295 Ill. App. 323; 14 N. E. 2d 991.

NO. 596. *WESTCHESTER COUNTY v. SOUND MARINE & MACHINE CORP.* February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. William A. Davidson and Frank J. Claydon* for petitioner. *Mr. James H. Hickey* for respondent. Reported below: 100 F. 2d 360.

306 U. S.

Decisions Denying Certiorari.

No. 600. *IN RE CLAYTON C. GILLILAND*. February 27, 1939. Petition for writ of certiorari to the Supreme Court of Michigan denied. *Mr. Thomas W. Payne* for petitioner. *Messrs. George H. Heideman, Thomas Read*, Attorney General of Michigan, and *Edmund E. Shephard*, Assistant Attorney General, in opposition. Reported below: 284 Mich. 604; 280 N. W. 63.

No. 602. *NORTHERN TRUST CO., EXECUTOR, ET AL. v. EDENBORN*. February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr S. L. Herold* for petitioners. *Messrs. R. E. Milling, A. B. Freyer, and R. C. Milling* for respondent. Reported below: 98 F. 2d 657.

No. 542. *LEE, WARDEN, v. PERO ET AL.* February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Orland S. Loomis and Joseph E. Messerschmidt* for petitioner. No appearance for respondents. Reported below: 99 F. 2d 28.

No. 594. *AMERICAN POTASH & CHEMICAL CORP. v. NATIONAL LABOR RELATIONS BOARD*. February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. S. M. Haskins and Edmund M. Toland* for petitioner. *Solicitor General Jackson*, and *Messrs. Charles A. Horsky, Charles Fahy, Robert B. Watts, and Mortimer B. Wolf* for respondent. Reported below: 98 F. 2d 488.

No. 599. *COWHERD v. PHOENIX JOINT STOCK LAND BANK ET AL.* February 27, 1939. Petition for writ of

certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. William Lemke and William A. Franken* for petitioner. *Messrs. John F. Reinhardt and Stonewall J. Jones* for respondents. Reported below: 99 F. 2d 225.

No. 601. *DIVACK v. GOLDBERG, TRUSTEE IN BANKRUPTCY*. February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Archibald Palmer* for petitioner. *Mr. Charles Goldberg, pro se*. Reported below: 100 F. 2d 1016.

No. 604. *STATE FARM MUTUAL AUTOMOBILE INSURANCE Co. v. DEWALT*. February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Mitchel J. Henderson* for petitioner. No appearance for respondent. Reported below: 99 F. 2d 846.

No. 607. *HERRING v. ALABAMA GREAT SOUTHERN R. Co.* February 27, 1939. Petition for writ of certiorari to the Supreme Court of Alabama denied. *Mr. Geo. Lewis Bailes* for petitioner. *Messrs. S. P. Smith, J. T. Stokely, Sidney S. Alderman, and S. R. Prince* for respondent. Reported below: 236 Ala. 618; 184 So. 180.

No. 610. *HUDSON v. COMMISSIONER OF INTERNAL REVENUE*. February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Sam Costen* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Morton K. Rothschild* for respondent. Reported below: 99 F. 2d 630.

306 U. S.

Decisions Denying Certiorari.

No. 611. *HERZBERG'S, INC. v. OCEAN ACCIDENT & GUARANTEE CORP.* February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Sam Beber* for petitioner. *Messrs. J. A. C. Kennedy, R. E. Svoboda, and E. J. Svoboda* for respondent. Reported below: 100 F. 2d 171.

No. 618. *JUMP ET AL. v. ELLIS, SUPERINTENDENT OF OSAGE INDIAN AGENCY.* February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Neal E. McNeill* for petitioners. *Solicitor General Jackson, Assistant Attorney General McFarland, and Mr. C. W. Leaphart* for respondent. Reported below: 100 F. 2d 130.

No. 620. *HARRIS, PRESIDENT OF CALCOCRAFT, v. NATIONAL LABOR RELATIONS BOARD.* February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Edward W. Hamilton* for petitioner. *Solicitor General Jackson, and Messrs. W. Marvin Smith, Charles Fahy, Robert B. Watts, and Mortimer B. Wolf* for respondent. Reported below: 100 F. 2d 197.

Nos. 621, 622 and 623. *ATLANTIC COAST LINE CO. v. UNITED STATES.* February 27, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. Carl H. Davis, Robert R. Faulkner, and J. Crossan Cooper, Jr.* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Earl C. Crouter* for the United States. Reported below: 99 F. 2d 6, 932.

No. 504. *CARLISLE LUMBER CO. v. NATIONAL LABOR RELATIONS BOARD*. March 6, 1939. Motion to consider the petition on the typewritten record granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Charles H. Paul, George Donworth, and Charles T. Donworth* for petitioner. *Solicitor General Jackson*, and *Messrs. Charles A. Horsky, Charles Fahy, and Robert B. Watts* for respondent. Reported below: 99 F. 2d 533.

No. 616. *NELSON v. DARLEY ET AL.* March 6, 1939. Petition for writ of certiorari to the Supreme Court of Alabama denied. *Messrs. Charles L. Rowe and Jack Crenshaw* for petitioner. *Messrs. Walter J. Knabe and Richard T. Rives* for respondents. Reported below: 236 Ala. 463; 183 So. 447.

No. 617. *PENNSYLVANIA SALT MANUFACTURING CO. v. UNITED STATES*. March 6, 1939. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Mr. Robert T. McCracken* for petitioner. *Solicitor General Jackson* and *Mr. John R. Benney* for the United States. Reported below: 26 C. C. P. A. (Cust.) 232.

No. 619. *KENNESAW MOUNTAIN BATTLEFIELD ASSN. ET AL. v. UNITED STATES*. March 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Sam Hewlett, Walter Dillon, and James F. Kemp* for petitioners. *Solicitor General Jackson, Assistant Attorney General McFarland, and Mr. C. W. Leaphart* for the United States. Reported below: 99 F. 2d 830.

306 U.S.

Decisions Denying Certiorari.

No. 625. *TRUSTEES OF LUMBER INVESTMENT ASSN. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* March 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. William D. Mitchell, William S. Bennet, Rollin Browne, and Allin H. Pierce* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, J. Louis Monarch, and S. Dee Hanson* for respondent. Reported below: 100 F. 2d 18.

No. 637. *SIMMONS ET AL. v. TOOHEY*; and

No. 638. *SMITH v. SCHWIER.* March 6, 1939. Petition for writs of certiorari to the Supreme Court of Ohio denied. *Mr. George S. Hawke* for petitioners. No appearance for respondents. Reported below: 134 Ohio St. 358; 17 N. E. 270.

No. 639. *BAJORAS v. UNITED STATES.* March 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Harry A. Estep* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron and W. Marvin Smith* for the United States. Reported below: 100 F. 2d 1009.

No. 642. *PICKETT v. UNITED STATES.* March 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. H. C. Kilpatrick* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Lee A. Jackson* for the United States. Reported below: 100 F. 2d 909.

No. 656. *OCEAN CITY v. FEDERAL RESERVE BANK OF PHILADELPHIA*. March 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. George Wharton Pepper* for petitioner. *Mr. Yale L. Schekter* for respondent. Reported below: 100 F. 2d 1011.

No. 658. *FIDELITY & COLUMBIA TRUST CO., EXECUTOR, v. UNITED STATES*. March 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *MR. JUSTICE REED* took no part in the consideration and decision of this application. *Messrs. A. Shelby Winstead and Ernest Woodward* for petitioner. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Mr. Paul A. Sweeney* for the United States. Reported below: 100 F. 2d 215.

Nos. 614 and 615. *FARMERS' LOAN & TRUST CO., TRUSTEE, ET AL. v. BOWERS, EXECUTOR*. March 13, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *MR. JUSTICE REED* took no part in the consideration or decision of these cases. *Messrs. John W. Davis, C. Alexander Capron, Charles Angulo, and Philip M. Payne* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. William Stanley, Sewall Key, Carlton Fox, and Charles A. Horsky* for respondent. Reported below: 98 F. 2d 794.

No. 630. *WICK ET AL., TRUSTEES, v. NEW JERSEY*. March 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Earl F. Reed and Charles M. Thorp, Jr.* for peti-

306 U.S.

Decisions Denying Certiorari.

tioners. *Messrs. John E. Evans, Jr. and Charles J. Margiotti* for respondent. Reported below: 100 F. 2d 147.

No. 632. *LARGE ET AL., EXECUTORS, v. SHIVELY*. March 13, 1939. Petition for writ of certiorari to the Supreme Court of Washington denied. *Mr. John B. Shorett* for petitioners. *Mr. Frank R. Jeffrey* for respondent. Reported below: 194 Wash. 608; 79 P. 2d 317; 82 P. 2d 793.

No. 635. *DUQUESNE CLUB v. UNITED STATES*. March 13, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. George B. Furman and Paul Armitage* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Mr. Sewall Key* for the United States. Reported below: 87 Ct. Cls. 483; 23 F. Supp. 781.

No. 640. *TROUTMAN v. UNITED STATES*; and

No. 641. *YOUNG v. SAME*. March 13, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Theodore Epstein* for petitioners. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron, J. Albert Woll, William J. Connor, and W. Marvin Smith* for the United States. Reported below: 100 F. 2d 490.

No. 644. *MARTIN v. UNITED STATES*;

No. 645. *BROWN v. SAME*;

No. 646. *HERRING v. SAME*;

No. 647. *ALLBEE v. SAME*; and

No. 648. *BERNS v. SAME*. March 13, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Jean S. Breitenstein* for

petitioners. *Solicitor General Jackson, Assistant Attorney General Arnold, and Mr. Elmer B. Collins* for the United States. Reported below: 100 F. 2d 490.

No. 657. *PACIFIC MUTUAL LIFE INSURANCE CO. v. GOSS, ADMINISTRATRIX*. March 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Grover Middlebrooks* for petitioner. *Mr. J. C. Murphy* for respondent. Reported below: 99 F. 2d 658.

No. 662. *SPRINGFIELD ET AL. v. UNITED STATES*. March 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Charles H. Beckwith* for petitioner. *Solicitor General Jackson, Assistant Attorney General McFarland, and Mr. C. W. Leaphart* for the United States. Reported below: 99 F. 2d 860.

No. 664. *HAWKE v. SERVICISED PRODUCTS CORP. ET AL.* March 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. George S. Hawke* for petitioner. *Messrs. Franklin R. Overmyer and Adelor J. Petit, Jr.,* for respondents. Reported below: 95 F. 2d 710.

No. 665. *TEXAS CITIES GAS CO. v. EL PASO ET AL.* March 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Roy C. Coffee, Marshall Newcomb, and Wm. H. Burges* for petitioner. No appearance for respondents. Reported below: 100 F. 2d 501.

306 U. S.

Decisions Denying Certiorari.

No. 667. LEHIGH VALLEY R. CO. ET AL. *v.* MARTIN, STATE TAX COMM'R, ET AL.;

Nos. 668 and 669. CENTRAL RAILROAD CO. OF NEW JERSEY *v.* SAME;

No. 670. DELAWARE, L. & W. R. CO. *v.* SAME;

No. 671. NEW YORK CENTRAL R. CO. *v.* SAME;

No. 672. NEW JERSEY & NEW YORK R. CO. *v.* SAME;

No. 673. NEW YORK, S. & W. R. CO. *v.* SAME;

No. 674. ERIE R. CO. *v.* SAME; and

No. 675. LEHIGH VALLEY R. CO. *v.* SAME. March 13, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Jacob Aronson, Richard W. Barrett, Herbert A. Taylor, Maximilian M. Stallman, Alexander H. Elder, and T. R. White* for petitioners. *Messrs. David T. Wilentz and Duane E. Minard* for respondents. Reported below: 100 F. 2d 139.

No. 686. GREEN *v.* GREEN. March 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. E. T. Young* for petitioner. *Mr. George Francis* for respondent. Reported below: 100 F. 2d 241.

No. 654. McMENUS *v.* UNITED STATES. March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Oral V. McMensus, pro se.* No appearance for the United States. Reported below: 100 F. 2d 490.

No. 684. KONTOVICH *v.* UNITED STATES. March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit, and motion for leave

to proceed further *in forma pauperis*, denied. *Frank T. Kontovich, pro se*. No appearance for the United States. Reported below: 99 F. 2d 661.

No. 711. *ARMSTRONG, EXECUTOR, v. NEW YORK CITY*. March 27, 1939. Petition for writ of certiorari to the Supreme Court of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Charles V. Halley, Jr.* for petitioner. No appearance for respondent.

No. 739. *COWEN v. CALIFORNIA ET AL.* March 27, 1939. Petition for writ of certiorari to the Supreme Court of California, and motion for leave to proceed further *in forma pauperis*, denied. *Earl S. Cowen, pro se*. No appearance for respondents. Reported below: 20 Cal. 2d 674; 67 P. 2d 737

No. 740. *EASON v. SANFORD, WARDEN*. March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *George W. Eason, pro se*. No appearance for respondent. Reported below: 100 F. 2d 1013.

No. 682. *THOMPSON, TRUSTEE, v. TERMINAL SHARES, INC., ET AL.*; and

No. 736. *TOMLINSON ET AL. v. THOMPSON, TRUSTEE*. March 27, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. MR. JUSTICE REED took no part in the consideration and decision of these applications. *Mr. R. B. Caldwell* for petitioner in No. 682. *Messrs. Clark Crawford, Howard*

306 U. S.

Decisions Denying Certiorari.

F. Burns, and *Jacob M. Lashly* for petitioners in No. 736. *Messrs. William B. Cockley, Godfrey Goldmark, and Henry N. Ess* for respondents. Reported below: 24 F. Supp. 729.

No. 634. *LUCCHI ET AL. v. UNITED STATES*; and

No. 655. *UNITED STATES v. INTERNATIONAL FUR WORKERS UNION ET AL.* March 27, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Joseph A. Padway* for petitioners in No. 634. *Solicitor General Jackson, Assistant Attorney General Arnold, and Mr. M. S. Huberman* for the United States. *Mr. Joseph G. M. Browne* for respondents in No. 655. Reported below: 100 F. 2d 541.

No. 649. *UNION JOINT STOCK LAND BANK v. BYERS, ET AL.* March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. A. G. Masters* for petitioner. *Mr. Dean D. Sturgis* for respondents. Reported below: 100 F. 2d 82.

No. 653. *COOS (OR KOWES) BAY, LOWER UMPQUA (KALAWATSET), AND SINSLAW INDIAN TRIBES v. UNITED STATES.* March 27, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Daniel B. Henderson and T. Hardy Todd* for petitioners. *Solicitor General Jackson, Assistant Attorney General McFarland, and Mr. C. W. Leaphart* for the United States. Reported below: 87 Ct. Cls. 143.

No. 659. *HAMILTON NATIONAL BANK v. UNITED STATES.* March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. C. W. K. Meacham* for petitioner. *Solicitor*

General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Lee A. Jackson for the United States. Reported below: 99 F. 2d 570.

No. 663. *JACOBS v. MERCHANTS FIRE ASSURANCE CORP.* March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. A. C. Wheeler* for petitioner. *Mr. Grover Middlebrooks* for respondent. Reported below: 99 F. 2d 655.

No. 677. *LOWRY v. WOODRING, SECRETARY OF WAR.* March 27, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Philip W. Lowry, pro se. Solicitor General Jackson, Assistant Attorney General Whitaker, and Mr. Paul A. Sweeney* for respondent. Reported below: 101 F. 2d 673.

No. 681. *THRASH LEASE TRUST v. COMMISSIONER OF INTERNAL REVENUE.* March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Thomas R. Dempsey, A. Calder Mackay, and Herbert R. MacMillan* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, L. W. Post, and Charles A. Horsky* for respondent. Reported below: 99 F. 2d 925.

No. 683. *KENT, RECEIVER, v. CLEVELAND NATIONAL BANK.* March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. George P. Barse, Estes Kefauver, and Phil B. Whitaker* for petitioner. *Mr. Frank Spurlock* for respondent. Reported below: 100 F. 2d 54.

No. 688. *BEARD v. SANFORD, WARDEN.* March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. James J. Laughlin and Ellis Klein* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, William W. Barron, and W. Marvin Smith* for respondent. Reported below: 99 F. 2d 750.

No. 691. *HOLMES v. COMMISSIONER OF INTERNAL REVENUE.* March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Charles B. McInnis and Randolph E. Paul* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, Earl C. Crouter and Charles A. Horsky* for respondent. Reported below: 99 F. 2d 822.

No. 689. *TEXAS & PACIFIC RY. CO. ET AL. v. SONKEN-GALAMBA CORP.* March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. G. B. Ross, R. S. Outlaw, T. D. Gresham, and Charles H. Woods* for petitioners. *Messrs. I. J. Ringolsky, Wm. G. Boatright, Harry L. Jacobs, and Bernard L. Glover* for respondent. Reported below: 100 F. 2d 158.

No. 697. *NORDRED REALTIES, INC. v. LANGLEY.* March 27, 1939. Petition for writ of certiorari to the Court of Appeals of New York denied. *Mr. Nathan Ottinger* for petitioner. No appearance for respondent. Reported below: 279 N. Y. 636; 7 N. Y. S. 2d 903; 169 Misc. 659; 18 N. E. 2d 38.

No. 698. *GRIFFIN v. APPELLATE DIVISION OF THE SUPREME COURT OF NEW YORK ET AL.* March 27, 1939. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. William H. Griffin, Jr.* for petitioner. *Mr. Einar Chrystie* for respondents. Reported below: 253 App. Div. 288; 254 *id.* 660, 844; 278 N. Y. 708; 2 N. Y. S. 2d 36; 4 N. Y. S. 2d 377; 6 N. Y. S. 2d 338; 16 N. E. 2d 853.

No. 699. *SOUTHERN PACIFIC CO. v. HOSMAN.* March 27, 1939. Petition for writ of certiorari to the District Court of Appeal, First Appellate District, of California, denied. *Mr. Arthur B. Dunne* for petitioner. *Mr. Louis E. Goodman* for respondent. Reported below: 28 Cal. App. 2d 621; 83 P. 2d 88.

No. 703. *KITE, ADMINISTRATRIX, v. FISHEL.* March 27, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Daniel Thew Wright* for petitioner. *Mr. Irwin Geiger* for respondent. Reported below: 101 F. 2d 685.

No. 727. *ZENITH RADIO CORP. v. HAZELTINE CORPORATION.* March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Irving Herriott and W. Ward Smith* for petitioner. *Messrs. Edward H. McDermott, Paul Armistage, and Elwood Hansmann* for respondent. Reported below: 100 F. 2d 10.

No. 700. *MISSISSIPPI COTTONSEED PRODUCTS CO. ET AL. v. STONE, TAX COMMISSIONER, ET AL.* April 3, 1939. Petition for writ of certiorari to the Supreme Court of

306 U. S.

Decisions Denying Certiorari.

Mississippi denied. *Messrs. Garner W. Green, Forrest B. Jackson, and Marcellus Green* for petitioners. No appearance for respondents. Reported below: 184 Miss. —; 184 So. 428.

No. 705. *SHAPIRO v. UNITED STATES*. April 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Michael Shapiro, pro se. Solicitor General Jackson, Assistant Attorney General McMahon, and Mr. William W. Barron* for the United States. Reported below: 101 F. 2d 375.

No. 706. *WALKER v. WALKER*. April 3, 1939. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Mr. Weightstill Woods* for petitioner. *Mr. James A. O'Callaghan* for respondent. Reported below: 369 Ill. 627; 17 N. E. 2d 567.

No. 709. *KARDON v. WILLING, RECEIVER*. April 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Henry Arronson* for petitioner. No appearance for respondent. Reported below: 102 F. 2d 957.

No. 710. *ATCHISON, T. & S. F. RY. CO. v. SUPERIOR COURT OF CALIFORNIA ET AL.* April 3, 1939. Petition for writ of certiorari to the Supreme Court of California denied. *Messrs. Robert Brennan, Mark Webster Reed, Leo E. Sievert, and Harley Kellogg Lockwood* for petitioner. *Mr. Louis E. Goodman* for respondents. Reported below: 12 Cal. 2d 549; 86 P. 2d 85.

No. 712. KANSAS CITY SOUTHERN RY. CO. *v.* WESTVILLE. April 3, 1939. Petition for writ of certiorari to the Supreme Court of Oklahoma denied. *Messrs. Frank H. Moore, James B. McDonough, and Joseph R. Brown* for petitioner. *Mr. Saul J. Gordon* for respondent. Reported below: 184 Okla. 100; 89 P. 2d 320.

No. 714. NORTH SHORE DELIVERY CO. *v.* UNIVERSAL INDEMNITY INSURANCE CO. April 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Alfred O. Erickson* for petitioner. *Mr. Arthur S. Lytton* for respondent. Reported below: 100 F. 2d 618.

No. 716. MYKLEBUST ET AL. *v.* MEIDELL, MASTER AND CLAIMANT OF THE ESTRALLA. April 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Philip Dorfman* for petitioners. *Mr. John B. Shaw* for respondent. Reported below: 102 F. 2d 736.

No. 723. UWANAWICH *v.* UNITED STATES. April 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. George Gordon Battle* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, William W. Barron, and W. Marvin Smith* for the United States. Reported below: 102 F. 2d 45.

No. 725. OCEAN ACCIDENT & GUARANTEE CORP. *v.* SOUTHWESTERN BELL TELEPHONE CO. April 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. John T.*

306 U. S.

Decisions Denying Certiorari.

Harding and *D. A. Murphy* for petitioner. *Messrs. Walter A. Raymond* and *Fenton Hume* for respondent. Reported below: 100 F. 2d 441.

No. 726. *TENNESSEE PUBLISHING CO. v. CARPENTER, RECEIVER.* April 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Jordon Stokes, Jr.* for petitioner. *Mr. Cecil Sims* for respondent. Reported below: 100 F. 2d 728.

No. 730. *PRATT v. SHELL PETROLEUM CORP.* April 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Mark H. Adams* for petitioner. *Messrs. Guy A. Thompson* and *Samuel A. Mitchell* for respondent. Reported below: 100 F. 2d 833.

No. 694. *GABRIELLI v. KNICKERBOCKER ET AL.* See *ante*, p. 621.

No. 516. *GOINS v. UNITED STATES.* See *ante*, p. 622.

No. 814. *KORTE v. MORTFORT, TRUSTEE.* April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. U. S. Lesh* for petitioner. No appearance for respondent. Reported below: 100 F. 2d 615.

No. 741. *MITCHELL v. GREENOUGH ET AL.* April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and motion for leave to proceed further *in forma pauperis*, denied.

Walter B. Mitchell, pro se. No appearance for respondents. Reported below: 100 F. 2d 184, 1006.

No. 747. *KAY v. UNITED STATES.* April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Frank Serri* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron, M. Joseph Matan, and W. Marvin Smith* for the United States. Reported below: 101 F. 2d 270.

No. 755. *NORMAN v. UNITED STATES.* April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. L. E. Gwinn* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, and Mr. William W. Barron* for the United States. Reported below: 100 F. 2d 905.

No. 843. *WEST v. WASHINGTON.* April 17, 1939. Petition for writ of certiorari to the Supreme Court of Washington, and motion for leave to proceed further *in forma pauperis*, denied. *Fred Hartzell West, pro se.* No appearance for respondent. Reported below: 97 Wash. Dec. 510; 86 P. 2d 192.

No. 852. *SWAIN v. INDIANA.* April 17, 1939. Petition for writ of certiorari to the Supreme Court of Indiana, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Richard E. Westbrook* for petitioner. *Mr. Rexell A. Boyd* for respondent. Reported below: 214 Ind. 412; 215 Ind. —; 15 N. E. 2d 381; 18 N. E. 2d 921.

306 U. S.

Decisions Denying Certiorari.

Nos. 692 and 693. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. ASHLAND OIL & REFINING Co.*; and

Nos. 757 and 758. *ASHLAND OIL & REFINING Co. v. COMMISSIONER OF INTERNAL REVENUE*. April 17, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. MR. JUSTICE REED took no part in the consideration and decision of these applications. *Solicitor General Jackson* for the Commissioner of Internal Revenue. *Messrs. John W. Davis* and *John E. McClure* for the Ashland Oil & Refining Co. Reported below: 99 F. 2d 588.

No. 756. *NEW YORK CITY ET AL. v. CENTRAL SAVINGS BANK ET AL.* April 17, 1939. Petition for a writ of certiorari to the Supreme Court of New York denied for the reason that the judgment sought to be reviewed rests upon a nonfederal ground adequate to support it. *Lynch v. New York*, 293 U. S. 52; *Honeyman v. Hanan*, 300 U. S. 14, 18-19. *Messrs. William C. Chanler* and *Paxton Blair* for petitioners. *Messrs. A. Henry Mosle* and *Jesse Knight* for respondents. Reported below: 254 App. Div. 502; 279 N. Y. 266; 280 N. Y. 9; 5 N. Y. S. 2d 451; 18 N. E. 2d 151; 19 N. E. 2d 659.

No. 678. *WEINBERG v. UNITED STATES*; and

No. 679. *STRAUS ET AL. v. UNITED STATES*. April 17, 1939. Petition for writs of certiorari to the Court of Claims denied. *Mr. C. Leo De Orsey* for petitioners. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Mr. Sewall Key* for the United States. Reported below: 87 Ct. Cls. 497, 506; 25 F. Supp. 88.

No. 680. *UNITED STATES v. H. B. NELSON CONSTRUCTION Co.* April 17, 1939. Petition for writ of certiorari

to the Court of Claims denied. *Solicitor General Jackson* for the United States. *Mr. S. Wallace Dempsey* for respondent. Reported below: 87 Ct. Cls. 375.

No. 718. *WEST v. BIRMINGHAM*. April 17, 1939. Petition for writ of certiorari to the Supreme Court of Alabama denied. *Mr. Walter S. Smith* for petitioner. No appearance for respondent. Reported below: 236 Ala. 434; 183 So. 421.

No. 719. *BOSTON & MAINE RAILROAD v. WILLIAMS ET AL.*; and

No. 724. *BERNARDI GREATER SHOWS, INC. v. BOSTON & MAINE RAILROAD*. April 17, 1939. Petitions for writs of certiorari to the Supreme Court of New Hampshire denied. *Mr. George T. Hughes* for petitioner in No. 719 and respondent in No. 724. *Mr. Robert W. Upton* for respondents in No. 719 and petitioner in No. 724. Reported below: 89 N. H. 490; 1 A. 2d 360.

No. 729. *M. RICH & BROTHERS Co. v. FIRST NATIONAL BANK OF ATLANTA ET AL., EXECUTORS*. April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Harold Hirsch, Marion Smith, and M. E. Kilpatrick* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, J. Louis Monarch, and Charles A. Horsky* for respondents. Reported below: 99 F. 2d 607.

No. 731. *MINNESOTA MINING & MANUFACTURING Co. v. COE, COMMISSIONER OF PATENTS*. April 17, 1939. Petition for writ of certiorari to the Court of Appeals for

306 U.S.

Decisions Denying Certiorari.

the District of Columbia denied. *Messrs. Paul Carpenter, William H. Abbott, and Laurence B. Dodds* for petitioner. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Messrs. Paul A. Sweeney and R. F. Whitehead* for respondent. Reported below: 69 App. D. C. 256; 100 F. 2d 429.

Nos. 734 and 735. *HERMAN, EXECUTOR, v. HENLEY, TRUSTEE IN BANKRUPTCY.* April 17, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Harry L. Jacobs* for petitioner. *Mr. Frank P. Barker* for respondent. Reported below: 101 F. 2d 365.

No. 737. *ROGERS ET AL. v. MONTGOMERY WARD & Co.* April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. E. L. Gavin, H. M. Jackson, and W. H. Yarrow* for petitioners. *Mr. Wm. Nevarre Cromwell* for respondent. Reported below: 100 F. 2d 721.

No. 743. *RANDOLPH LUMBER Co. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. William S. Bennet* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Lee A. Jackson* for respondent. Reported below: 100 F. 2d 18.

No. 744. *MATHEWSON, ADMINISTRATOR, ET AL. v. FIRST TRUST Co.* April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth

Circuit denied. *Mr. Jacob A. Overlander* for petitioners. *Mr. K. B. Randolph* for respondent. Reported below: 100 F. 2d 121.

No. 732. *MOORE v. UNITED STATES*. April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Maxwell Shapiro* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General McMahon*, and *Messrs. William W. Barron, J. Albert Woll, William J. Connor, and W. Marvin Smith* for the United States. Reported below: 101 F. 2d 56.

No. 733. *ESTATE OF ORR ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Edward J. Prest* for petitioners. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Mr. Sewall Key* for respondent. Reported below: 101 F. 2d 539.

No. 752. *FIDELITY & CASUALTY CO. v. PADDLEFORD ET AL.*; and

No. 753. *HARTFORD ACCIDENT & INDEMNITY CO. v. SAME*. April 17, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. J. F. Dammann* for petitioners. *Mr. Miles G. Seeley* for respondents. Reported below: 100 F. 2d 606.

No. 759. *GAMBLE, EXECUTOR, v. COMMISSIONER OF INTERNAL REVENUE*. April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Elden McFarland and Ike*

306 U.S. Cases Disposed of Without Consideration by the Court.

Lanier for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key*, *Warren F. Wattles*, and *Lee A. Jackson* for respondent. Reported below: 101 F. 2d 565.

No. 774. *EVANS v. KANSAS GAS & ELECTRIC CO.* April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Claude I. Depew* and *Austin M. Cowan* for petitioner. *Mr. Blatchford Downing* for respondent. Reported below: 100 F. 2d 549.

CASES DISPOSED OF WITHOUT CONSIDERATION BY THE COURT, FROM JANUARY 17, 1939, THROUGH APRIL 17, 1939.

No. 624. *DAVIES v. METROPOLITAN LIFE INSURANCE CO. ET AL.* Appeal from the Supreme Court of Washington. January 30, 1939. Docketed and dismissed on motion of counsel for the appellees. No appearance for appellant. *Mr. E. D. Weller* for appellees. Reported below: 191 Wash. 459; 71 P. 2d 552.

No. 191. *GOODYEAR TIRE & RUBBER CO. v. OVERMAN CUSHION TIRE Co.*; and

No. 200. *OVERMAN CUSHION TIRE Co. v. GOODYEAR TIRE & RUBBER Co.* On petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit. January 30, 1939. Dismissed on motion of counsel for the petitioners. *Messrs. Arthur C. Denison* and *Frank O. Richey* for petitioner in No. 191 and respondent in No. 200. *Mr. Robert W. Byerly* for respondent in No. 191 and petitioner in No. 200. Reported below: 95 F. 2d 978.